

Camden County Planning Board
Minutes
June 17, 2009, 7:00pm
Historic Courtroom
Camden County Courthouse Complex

Members Present: Chairman Rodney Needham Absent: Vice Chairman Terri Griffin
Fletcher Harris John Aydlett
Ray Albertson
Calvin Leary
Michael Etheridge

Call to Order & Welcome

Chairman Rodney Needham called to order the June 17, 2009 meeting at 7:03 PM.

Others Present at Meeting

STAFF PRESENT

Name:	Title:
Dan Porter	Director of Planning
Dave Parks	Permit Officer/Flood Administrator
Amy Barnett	Planning Clerk/Clerk to the Board

OTHERS PRESENT

Name and Town of Residence:	Title:	Purpose / Representing	Meeting Section
Chris Coleman Kill Devil Hills, NC	Owner / Applicant	Camden Yard Materials, LLC	New Business Item #1
John Crosby	Pit Supervisor	Camden Yard Materials, LLC	New Business Item #1
Greg Stewart, South Mills	Adjacent Property Owner	Question Operations of Camden Yard Materials, LLC	New Business Item #1
Everette Sawyer, South Mills	Adjacent Property Owner	Question Operations of Camden Yard Materials, LLC	New Business Item #1
Joyce Hartman	Adjacent Property Owner	Question Operations of Camden Yard Materials, LLC	New Business Item #1
Michael Sawyer, South Mills	Adjacent Property Owner	Question Operations of Camden Yard Materials, LLC	New Business Item #1
Martha Knowles, South Mills	Adjacent Property Owner	Question Operations of Camden Yard Materials, LLC	New Business Item #1
Marvin Meyers, South Mills	Adjacent Property Owner	Question Operations of Camden Yard Materials, LLC	New Business Item #1
Reese Smith, Sr. Virginia Beach, VA	President / Applicant	South Mills Landing, LLC Rezoning Application	New Business Item #2

23 **Consideration of Agenda**

24
25 Chairman Rodney Needham called for consideration of the agenda.

26
27 Motion to Approve made by: Calvin Leary.

28 Motion Seconded by: Michael Etheridge.

29
30 The motion was approved with Chairman Rodney Needham, Members Fletcher Harris, Ray
31 Albertson, Calvin Leary, and Michael Etheridge voting aye; none voting no; 2 absent; none
32 not voting.

33
34
35 **Consideration of the Minutes - May 20, 2009**

36
37 Chairman Rodney Needham called for consideration of the minutes from the May 20, 2009
38 meeting.

39
40 Motion to Approve As Written made by: Michael Etheridge.

41 Motion Seconded by: Ray Albertson.

42
43 The motion was approved with Chairman Rodney Needham, Members Fletcher Harris, Ray
44 Albertson, Calvin Leary, and Michael Etheridge voting aye; none voting no; 2 absent; none
45 not voting.

46
47
48 **Comments from the Public**

49
50 None

51
52
53 **Old Business**

54
55 None

56 **New Business**

57
58 ***Item #1, UDO 2009-05-19, Special Use Permit Application, Camden Yard Materials LLC,***
59 ***Phase II and III Mining Operations***
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61 -----
62 Special Use Permit
63 Findings of Facts
64

65 UDO 2009-05-19
66

- 67 **1. Name of Applicant:** Camden Yard Materials, LLC
68 **2. Agent for Applicant:** Chris Coleman
69 **3. Address of Applicant:** P. O. Box 3069 Kill Devil Hills, NC, 27948
70 **4. File Reference:** UDO 2009-05-19
71 **5. PIN:** 01-7082-00-28-4871-0000
72 **6. Street Address of Property:** Not addressed
73 **7. Location of Property:** Off Ponderosa Road, South Mills Township
74 **8. Flood Zone:** X
75 **9. Zoning District(s):** Light Industrial (I-1)
76 **10. Is a Zoning change required for the Proposed Use?** No
77 **11. General Description of the Proposal:** Mining Operation - Phase II and II of
78 Camden Yard Materials
79 **12. Use Classification:** Article 151.334 (Use # 14.300)
80 **13. Date Application Received by County:** May 22, 2009
81 **14. Received by:** Dave Parks, Permit Officer
82 **15. Application Fee Paid:** \$400.00 (Check #119)
83 **16. Completeness of Application:** Application appears to be complete
84 **A. Items Needed:** None
85 **17. Documents Received Upon Filing Application or otherwise included:**
86 **A.** Land Use Application
87 **B.** Site plan
88 **C.** Aerial Photo
89 **D.** NCDENR State Mining Permit
90 **18. Adjacent Property Use:** Agriculture / Residential
91 **19. Existing Land Use:** Agriculture
92 **20. Lot Size:** Approximately 58 Acres
93 **21. Utilities:**
94 **A. Does the application include a letter or certificate from the District Health**
95 **Department regarding septic tanks?** No.
96 **B. Does the applicant propose the use of public sewage systems?** No
97 **C. Does the applicant propose the use of public water systems?** No
98 **D. Distance from existing public water supply system:** Over 5 miles from property
99 **E. Is the area within a five-year proposal for the provision of public water?** No
100 **F. Is the area within a five-year proposal for the provision of public sewage?** No

101 **22. Streets**

102 **A. Are all streets designed to be placed under State System?** N/A

103 **B. Are proposed streets named?** N/A

104 **C. Street Names:** N/A

105 **D. Are any street names already being used elsewhere in the County?** N/A

106 **23. Landscaping**

107 **A. Is any buffer required?:** Yes

108 **B. Is any landscaping described in application?:** No

109 **24. Findings Regarding Additional Requirements**

110 A. Endangering the public health and safety: Staff feels that as long as the conditions
111 listed below on the maintenance and upkeep of Ponderosa Road, the proposed use
112 does not endanger the public health and safety.

113 B. Injure the value of adjoining or abutting property: Staff feels that the development
114 will not injure the values of adjoining or abutting property.

115 C. Harmony with the area in which it is located: Proposed use is in harmony with the
116 area in which located as this is an expansion (Phase II and III) of an existing mining
117 operation and property is zoned for use.

118 D. Conformity with the Plans

119 (1). Land Use Plan - Project is in conformity with the Land Use Plan

120 (2). Thoroughfare Plan - Only access is off Ponderosa Road (Private ROW)

121 (3). Other Plans officially adopted by the Board of Commissioners - N/A

122 E. Will not exceed the county's ability to provide public facilities

123 (1). Schools - Proposed development will have no impact on schools

124 (2). Fire and rescue - During periods of heavy rain events, road conditions could
125 prevent access by Fire and Rescue vehicles.

126 (3). Law Enforcement - During periods of heavy rain events, road conditions
127 could prevent access by Law Enforcement vehicles.

128 F. Other County Facilities - N/A

129
130 **Staff recommends approval with the following conditions:**

- 131
- 132 1. The applicant must strictly abide by all requirements of the Unified Development
133 Ordinance of Camden County, North Carolina, and must also strictly comply with all
134 other local, state, and federal ordinances, laws, rules and regulations as one or more
135 ordinances, laws, rules and regulations may apply to this development.
 - 136 2. The applicant shall complete the development strictly in accordance with the plans
137 approved by the Board of Commissioners of Camden County, North Carolina, and
138 contained in the file titled UDO 2009-05-19.
 - 139 3. Developer shall request Zoning approval from the County prior to the commencement
140 of operations of Phase III which shall commence no earlier than 8 years after approval
141 of this Special Use Permit.
 - 142 4. Developer shall upon commencement of operation of Phase II have 24 months per
143 NCDENR permit requirements in the reclamation of Phase I to State Permit
144 requirements.
 - 145 5. Developer shall upon commencement of operation of Phase III have 24 months per
146 NCDENR permit requirements in the reclamation of Phase II to State Permit
147 requirements.

- 148 6. Developer shall continue with the upkeep / maintenance of Ponderosa Road.
149 7. Developer shall continue maintaining the landscaped buffer area behind Heritage
150 Village subdivision.
151 8. NCDENR mining permit No. 15-10 for Camden Yard Materials expires April 15, 2012.
152 Developer shall provide the County Planning Office with a new permit / extension of
153 permit from NCDENR prior to its expiration.
154 9. Hours of operation shall be April 1 - October 31, 7:00 AM - 6:00 PM, Monday through
155 Friday; November 1 - March 31, 7:00 AM - 5:00 PM, Monday through Friday.
156 10. In the event a geotechnical study by a professional engineer determines that damages
157 have resulted to existing wells within a one (1) mile radius as a result of this burrow pit,
158 the owner / operator shall pay for the cost of the study and any required repair and / or
159 restoration to the affected well system.
160 11. If any of the conditions affixed hereto or any part thereof shall be held invalid or void,
161 then this Special Use Permit shall be voided and have no effect.
162

163 -----
164
165 Dave Parks gave a brief description of this Special Use Permit:

- 166 • This special use permit is for Phase II and III, Phase I is already in place
 - 167 ○ Original special use permit is for Phase I only
 - 168 ○ Phase I is already in place and operating
- 169 • Location is Ponderosa Road, South Mills
- 170 • State Mining Permit has been obtained and copy included in Planning Board
171 packet for June 2009 meeting.
- 172 • Staff is recommending approval
173

174 Mr. Parks then read the conditions listed in the findings of facts into the record (see findings
175 of facts last 3 pages) and noted that Mr. Chris Coleman was present to answer any questions
176 the board may have.
177

178 Chairman Rodney Needham asked if the board had any questions. Hearing none, he asked if
179 any member of the public present at the meeting had any comments regarding this
180 application.
181

182 Mr. Greg Stewart of South Mills, a relative of Everette Sawyer family (whom is heard from
183 later in this document), spoke regarding this issue. He handed out copies of portions of 2
184 plats showing the boundary lines for Camden Yard Materials property, Everette Sawyer
185 property, and various other boundary lines. The following were items of discussion:
186

- 187 • Mr. Stewart mentioned encroachment issues that have occurred since Phase I
188 commenced.
- 189 • Mr. Stewart wants to see that there are 'fine lines' on who owns what (with
190 regards to the boundaries of properties) and who has legal access and right of way
191 on that property.

- Mr. Stewart mentioned the possibility of negotiating with Camden Yard Materials regarding the access and right of way on properties not owned by Camden Yard Materials
 - If negotiations do not work, Mr. Stewart indicated that it may go to court as a boundary dispute.
- Country Meadows boundary line was discussed:
 - A 30 foot right of way was purchased by Camden Yard Materials for Phase I
 - Has a ditch in the middle of the right of way.
 - Property past the paved portion of the right of way, about 190 acres, belongs to Everette Sawyer, with other properties behind that.
 - Roads have not been maintained properly
 - Damages to culverts and ditches
 - Water in farm fields
 - Originally designed for 1 truck in and 1 truck out, with a 60 foot turnaround
 - At present, it looks like a 2 lane highway
 - Original property line is 15 feet in the ditch
 - 30 foot right of way only means 15 feet on the dirt, since 15 feet of it is in the ditch
 - The legal right of way that Camden Yard Materials has is only 30 feet, half of which is technically a ditch
 - Other persons use the road / right of way (Agriculture, others)
 - Original survey was based many years ago on a 6 foot ditch

Calvin Leary asked who enlarged the ditch (from 6 foot to 15 foot). Greg Stewart answered that Everette Sawyer's father enlarged the ditch in the 1970's. Mr. Leary then asked when Camden Yard Materials 'got the right of way'. Mr. Stewart said they received it when Phase I was approved. Mr. Stewart continued speaking about the right of way:

- There has been a history of violations and encroachment that have not been satisfactory to Everette Sawyer or his farm
 - Calvin Leary asked if this meant that Camden Yard Materials is using Mr. Sawyer's property
 - Mr. Stewart responded yes, and offered to show the property and right of way to the board
 - Indicated there is not enough room for 2 dump trucks to pass one another on the existing right of way
 - Indicated an opinion that if Phase II and III increased the number of trucks, damages to property will increase.
 - ditches fill up, culverts get blocked, fields flood, etc.

Calvin Leary asked for clarification as to whether Camden Yard Materials had purchased or needed to purchase the right of way. Mr. Stewart indicated that the right of way was purchased (and a portion of it paved) when Phase I was approved. He further indicated that once you get beyond what was purchased, you are on Everette Sawyer's property, and beyond that is property owned by other persons.

Ray Albertson asked if there had been any negotiation between the Sawyers and Camden Yard Materials about the right of way issue. Mr. Stewart indicated there had not been yet. Mr. Everette Sawyer interjected that he had shown Mr. Chris Coleman, of Camden Yard Materials, where the property lines were and was told that they would try to work something out. After Mr. Sawyer finished, Mr. Stewart indicated that their position is that it is time for this to be resolved, either through negotiation or some other means.

Calvin Leary asked staff if the ownership / encroachment of the right of way is a problem as far as the Special Use Permit goes. Dan Porter answered saying that the requirement is that they have access, and the easement is an access. The encroachment on any particular boundary line of that easement is not an issue for Planning Board consideration, its really an issue between the two parties, and it is a civil issue. The county requires that there be access to the property, and that can be by private road, public road, or an easement.

At this time, Chairman Rodney Needham asked if any one else wished to speak on this issue. Ms. Joyce Hartman came to the podium and spoke on the following:

- NCDOT roadway standards; Ms. Hartman has concerns that the roadway is not to standards.
 - Issues of concern:
 - Ingress and egress on the road
 - Speed limit signs are ignored; no enforcement of speed limits
 - No shoulder or banks on the road
 - No room for multi vehicular traffic on the road
 - Roadway was never brought to NCDOT standards
- Camden Yard Materials' pit needs fencing for safety and security to keep out trespassers, and thus prevent injuries on their property by un-authorized persons.

Mr. Dave Parks mentioned that there is currently a code enforcement action pending against Mr. Coleman regarding the culverts and the erosion of the soil around the culverts to get those repaired within a certain amount of time. Following Mr. Parks, Chairman Needham asked if there were further speakers.

Mr. Chris Coleman stepped up to the podium to address some of the issues heard thus far:

- Regarding NCDOT Right of Way:
 - Bringing everything into code with NCDOT, that was done before the permit was issued to actually open the pit, and was one of the stipulations of the permit.
 - Right of way was signed off on by an engineer.
 - Right of way was extended another 1000 feet to keep the neighborhood up front happy.
- Regarding Fencing:
 - Access routes along the pit have steel gates and no trespassing signs.
 - While Camden Yard Materials does have insurance, trespassers enter onto the property at their own risk/liability.
 - When someone is caught trespassing, they are told to leave.

- Regarding Mr. Sawyer's property:
 - An offer to purchase the property that Mr. Sawyer has for sale was made.
 - Offered full asking price, a little over \$2,000,000.
 - Mr. Sawyer refused to sell to Mr. Coleman.
 - This is a civil issue.
 - Title work on the easement has been done by Camden Yard Material's attorneys
 - Feels that Mr. Sawyer is wrong in his statements.
 - Is more than willing and would be happy to meet in the field to discuss what needs to be done to provide safe access for everyone.
 - Regarding the Access Road:
 - Original permit was for 18 feet to allow for 2 way access
 - Told county that 18 feet was a little tight
 - Increased it to 22 feet
 - Presently averaging between 22-25 feet of access road
 - Mentioned willingness to meet with Mr. Sawyer and his representatives.
 - Suggested performing new surveys and comparing notes to determine where the actual property lines are.
 - Purchased original right of way years ago at the urging of the Sawyer family in order to gain access to US Hwy 17.
 - Ditch was 6 feet wide years ago, due to erosion is now between 16-20 feet wide.
 - Asked if Camden Yard Materials is responsible for making efforts to maintain the ditch bank / shoulder. Made point that everyone who uses Ponderosa Drive (residents *and* business uses) has an impact on the condition of the road, and that it wouldn't be fair to say that Camden Yard Materials alone is responsible for upkeep.
 - Asked: If road has to be moved due to property lines, who is responsible for moving the road?

Mr. Everette Sawyer came to the podium to speak. Mr. Sawyer's only comment was "It's a lot difference 30-40-50 dump trucks a day going in there rather than people coming in and out with their car, want you all to think about that."

Mr. Chris Coleman returned to the podium to make a few additional comments regarding the code enforcement action.

- A complaint was made and a code enforcement action was undertaken on the road improvements.
 - Repairs have been made, 100%.
 - Pipes on the road have been extended to make it safer.
 - Added erosion control features.

327 Mr. Michael Sawyer came to the podium to make a few comments:
328

- 329 • Acknowledged the improvements that have been made on *some* of the ditches
- 330 • Was at site on 6-17-09 (day of meeting) and observed the following:
 - 331 ○ Water in ditches to the top of the ditch
 - 332 ○ No drainage flow through the culverts
 - 333 ○ Fields are flooded
- 334 • Mentioned that due to condition of ditches, some fields have stayed flooded to the
335 point where farmers can not plant a crop, and may not be able to this year.

336
337 Mr. John Crosby, a pit supervisor at Camden Yard Materials, stepped up to the podium to
338 speak:
339

- 340 • Responded to Mr. Michael Sawyer's comments:
 - 341 ○ Acknowledged that Mr. Sawyer's comments are basically true.
 - 342 ○ During downpours, wood washes into the pipes blocking them.
 - 343 ○ Pipes are now open, they may not be free-flowing, some of them were stopped
344 up on the out bound side.
 - 345 ○ Pipes in question are on the side not owned by Camden Yard Materials; Mr.
346 Crosby indicated he would have to have access to keep them cleared.

347
348 After Mr. Crosby's comments, a small discussion took place between Mr. Crosby and Mr.
349 Michael Sawyer regarding the state of the pipes. Mr. Crosby's experience has been that it is
350 wood and other debris that washes into the pipes during rain events; Mr. Michael Sawyer
351 said that the trucks that travel the road push sand into the pipes. Mr. Crosby indicated that a
352 stain where the water had been standing was visible on the pipes, and he re-iterated that all he
353 dug out of the pipes when he cleared them was wood and similar debris.

354
355 Chairman Rodney Needham asked a question regarding item 3 on the conditions of the
356 Special Use Permit versus the zoning approval questions on the application. He wanted
357 clarification on the difference between the two sections of the Findings of Facts where
358 zoning is mentioned. Dan Porter clarified that since the property is zoned correctly for this
359 use, item 3 only indicated that they need to obtain from the county a paper (zoning permit)
360 granting permission to commence. The zoning permit specifies that the zoning of the
361 property is consistent with the intended use.

362
363 Chairman Needham then asked if Phase I was finished and was the land being reclaimed at
364 this point. Chris Coleman answered and provided the following:
365

- 366 • Phase I is not yet exhausted, probably will be in November 2009
- 367 • Reclamation has begun on the East side of the pit, all reclamation is as required
368 by the state permits
- 369 • Phase II will not begin until the Knowles crops have been harvested (the land is
370 being leased for farm use to the Knowles family).

Chairman Rodney Needham further asked if there was a plan in place for the reclamation process of each phase. Mr. Coleman responded that the state dictates the time table of reclamation (2 years following the completion of each phase), which includes rolling the slopes back, letting it fill back up with water, etc. Mr. Coleman indicated that they are still mining in Phase I and have not yet run out of mineral in Phase I. He also indicated that they are at 30 feet and their initial cores indicated mineral down to 50 feet, but he is uncertain whether or not there is good mineral down at that depth.

Chairman Needham reiterated the counties position to have this property reclaimed properly as per the state requirements.

Chairman Needham asked about the bond which Camden Yard Materials has obtained. Mr. Coleman responded that there is a bond posted for Phase I, once Phase II is approved by the county there will be a bond posted for Phase II, and then Phase III in a similar manner.

Fletcher Harris asked if the soil from Phase II will be used in the reclamation process of Phase I. Mr. Coleman responded that some of it will be used for reclamation, some used for the birms they have to put in according to their plans.

Fletcher Harris then asked if Phase I and II would be bonded at the same time. Mr. Coleman responded that Phase I bond will be released when the reclamation process is complete.

At this time, Chairman Rodney Needham asked if there were any further questions from the board or public. Mr. Mike Sawyer stepped up to the microphone to make a few comments:

- Mr. Mike Sawyers fathers field is the only one down there that doesn't have a crop on it due to the flooding and he does not know if they will be able to utilize the land for agricultural this year or not.

Chairman Needham again asked if there were any further comments or questions. Ms. Martha Knowles of Ponderosa Drive stepped to the microphone. Ms. Knowles asked how close Phase II and III would come to the adjacent properties.

Dave Parks and Chris Coleman answered this question by showing maps and indicating that the edge of the pit for Phase II and III would come approximately 100 feet from adjacent properties.

Ray Albertson asked who is responsible for repair of the pipes on the road from the damage done by heavy trucks.

Dave Parks responded that it was part of the original permit and that it is Camden Yard Materials responsibility to maintain the road and keep erosion from the road under control.

Mr. Albertson then asked who makes the determination if the pipes need repair. Mr. Sawyer could say that it is stopped up and Camden Yard Materials could say that it is working fine, who then decides if they need clearing?

Dave Parks indicated that the county would have to look at it to see if there is any code enforcement needed to enforce repairs. Dan Porter said that there is a current code enforcement for the erosion issue around the pipes.

Mr. Albertson asked if it was allowable for 2 dump trucks to meet at the culverts, one truck pulls into the field to let another go by, etc., there is not enough room on the road for 2 trucks to pass one another.

Mr. Chris Coleman responded to this as follows:

- Indicated that in his opinion 25 feet is enough room for 2 trucks to pass one another, but sometimes one may just want to stop so they pull over into a field.
- He has told the truck drivers to stay off Mr. Sawyers property. He said he has posted flags showing where the property line is so the drivers would know not to pull over there.
- The issue of who is responsible for clearing the culverts after a rain/storm event is a civil issue to determine responsibility, as the right of way is used by everyone in that area.
 - Camden Yard Materials has done the clearing of this to be a good neighbor, but feels it is not their responsibility since the culverts were not stopped up due to their activities in this event.

Chairman Rodney Needham again asked if there were any further questions or comments. Mr. Marvin Meyers, of Deer Trail, stepped up to the microphone to make the following comments:

- Ponderosa Road runs along the back of his property
- He indicated that residents were in opposition of the original permit for Camden Yard Materials.
- He indicated that Ponderosa Road is a state road, it says so on the road sign.
- He indicated that Camden Yard Materials was supposed to be required to black top the rest of the road, another 200 feet and all they did was dump a bunch of asphalt there which broke up and is now part of the dirt road.
- Speed limit issues
 - There is supposed to be a speed limit going to the pit of 10 miles per hour and coming out of the pit is supposed to be 25 miles an hour.
 - The truck drivers do not observe the speed limits causing safety concerns for the residents in that area.
 - Mr. Meyers has observed the trucks going in excess of 50 miles per hour down Ponderosa Road
 - Excess speed on the dirt road causes dust problems which add to the problems with the culverts.

- Hours of operation issues
 - His understanding was that hours of operation was to be 7 AM to 5 PM in the winter time and 7 AM to 6 PM during summer time.
 - He indicated that a lot of the time, multiple numbers of trucks line up on the highway waiting for 7 AM and residents have had to call state police on this.

Chairman Needham again asked if there were any further questions or comments from board or public. Hearing none, he entertained a motion on the this special use permit.

Motion made by: Calvin Leary.

Motion: *Approve Special Use Permit Application (UDO 2009-05-19) - Camden Yard Materials LLC, for Phase II & III Mining Operation with the conditions as recommended by Planning Staff*

Motion Seconded by: Michael Etheridge.

The motion was approved with Chairman Rodney Needham, Members Fletcher Harris, Ray Albertson, Calvin Leary, and Michael Etheridge voting aye; none voting no; 2 absent; none not voting.

Item # 2, Rezoning Application (UDO 2009-05-21) South Mills Landing LLC, to rezone a 4.8 acre parcel from a Planned Unit Development (PUD) to Highway Commercial (HC)

Findings of Facts

UDO 2009-05-21 Zoning Change Application South Mills Landing LLC

- 1. Name of Applicant:** South Mills Landing, LLC
- 2. Agent for Applicant:** Reese Smith, Sr., President
- 3. Address of Applicant:** 4665 South Blvd, Suite A
Virginia Beach, VA 23452
- 4. PIN:** 01-7989-00-22-5268-0000
- 5. File Reference:** UDO 2009-05-21
- 6. Name(s) of Current Owner(s) of Record:** South Mills Landing LLC
- 7. Street Address of Property:** 144 Horseshoe Road
- 8. Location of Property:** South Mills Township
- 9. Flood Zone:** AE
- 10. Zoning District(s):** Planned Unit Development (PUD)
- 11. Is a Zoning Change Required for the Proposed Use?** Yes, current zoning requires a Master Plan for the entire PUD consisting of several parcels.

- 505 **12. General Description of the Proposal:** Request rezone the 4.8 acres from Planned
506 Unit Development (PUD) to Highway Commercial (HC)
- 507 **13. Date Application Received by County:** May 27, 2009
- 508 **14. Received by:** Dave Parks, Permit Officer
- 509 **15. Application fee paid:** \$650.00 Check # 1451
- 510 **16. Completeness of Application:** Application is complete.
- 511 **17. Documents received upon filing of application or otherwise included:**
- 512 A. Rezoning Application
- 513 B. Deed
- 514 C. GIS Ariel Map of property to be rezoned
- 515 D. Adjacent property owner notice
- 516 **18. Soil Classifications:**
- 517 A. **Predominant:** Tomotley (ToA) severe wetness, percs slowly
- 518 B. **Other:** None
- 519 **19. Adjacent Property Uses:**
- 520 A. **Predominant:** Agriculture
- 521 B. **Other:** Residential
- 522 **20. Existing Land Uses:** None (old buildings not in use)
- 523 **21. Lot size:** approximately 4.8 acres
- 524 **22. Utilities:**
- 525 A. Does the applicant propose the use of public sewage systems? No
- 526 B. Does the applicant propose the use of public water systems? Yes
- 527 C. Distance from existing public water supply system: Adjacent to property
- 528 D. Is the area within a five-year proposal for the provision of public water? N/A
- 529 E. Is the area within a five-year proposal for the provision of public sewage? No
- 530 **23. Findings Regarding Additional Requirements:**
- 531 A. How will the proposed zoning change enhance the public health, safety or welfare?
- 532 The proposed zoning change will enhance the public health, safety or welfare in
- 533 providing jobs, commercial business, and sales tax revenue.
- 534 B. Is the entire range of permitted uses in the requested classification more appropriate
- 535 than the range of uses in the existing classification? The range of permitted uses in
- 536 the requested classification is more appropriate at this time.
- 537 C. For proposals to re-zone to non-residential districts along major arterial roads:
- 538 (1) Is this an expansion of an adjacent zoning district of the same classification?
- 539 Yes
- 540 (2) What extraordinary showing of public need or demand is met by this
- 541 application? *The need for commercial development which in turn will provide*
- 542 *revenue and jobs.*
- 543 D. Conformity with the Plans:
- 544 (1) Land Use Plan - *P.17 states that "Camden County supports commercial*
- 545 *development at the intersections of major roads (i.e. in a nodal fashion)*
- 546 *consistent with the county's future land use map".*
- 547 (2) Thoroughfare Plan - *Access to property will be off Horseshoe Road.*
- 548 (3) Other Plans officially adopted by the Board of Commissioners - *N/A*

E. Will not exceed the county's ability to provide public facilities:

- (1) Schools - *No*
- (2) Fire and Rescue - *Will have minimal impact on Fire and Rescue.*
- (3) Law Enforcement - *Will have minimal impact on Law Enforcement.*
- (4) Parks & Recreation - *No*
- (5) Other County Facilities - *No*

Staff recommends approval as the requested zoning change is consistent with the County's Land Use Plan as policy P.17 which states "Camden County supports commercial development at the intersections of major roads consistent with the county's future land use map". Conceptual Plan for South Mills Landing has that parcel utilized strictly for commercial only.

Dan Porter briefly described this application:

- Rezoning from PUD to HC
- Owner has been approached by a party interested in the property
- Property is located across the road from the main parcel of property of South Mills Landing (also zoned PUD)
- Parcel in question is already indicated as a commercial area on the site plan for South Mills Landing, so is therefore consistent with the Land Use Plan
- South Mills Landing is still working on a Master Plan
- Surrounding area is Highway Commercial (HC)
- Property is intended to be commercial anyway
- Applicant is present to answer any questions from the Board

Chairman Rodney Needham asked about the other uses of the land in the South Mills Landing Planned Unit Development. Dan Porter responded that South Mills Landing is still working on their Master Plan which will detail the uses inside the PUD.

Chairman Rodney Needham asked the Board if they had any questions, then asked if there were any questions from the public. Hearing none, he entertained a motion on the this Zoning Change Application.

Motion made by: Michael Etheridge.

Motion: *Approve Item # 2, Rezoning Application (UDO 2009-05-21) South Mills Landing LLC, to rezone a 4.8 acre parcel from a Planned Unit Development (PUD) to Highway Commercial (HC) as recommended by Planning Staff as this rezoning is consistent with the Land Use Plan, Policy 17.*

Motion Seconded by: Fletcher Harris.

The motion was approved with Chairman Rodney Needham, Members Fletcher Harris, Ray Albertson, Calvin Leary, and Michael Etheridge voting aye; none voting no; 2 absent; none not voting.

596 ***Item #3, Amendments to Camden County Code of Ordinances, Zoning Districts and***
597 ***Design Standards***
598

599 Dan Porter gave a brief description of the amendments as outlined in the proposed ordinance
600 included in the Board Packet. Amendments included:
601

- 602 • Definition of Community Core District (CCD) has been redefined.
- 603 • Changes to CCD section of ordinance:
 - 604 ○ Parking Requirements: off street/rear parking encouraged
 - 605 ○ Minimum of 2 access to public road for ingress / egress.
 - 606 ○ Sidewalks, curb, and gutter required
 - 607 ○ Open space requirements incorporated by reference to article 151.195
 - 608 ○ Stormwater runoff to be in compliance with all federal, state, and county laws
 - 609 and/or ordinances
 - 610 ○ All onsite utilities to be located underground unless technically not possible or
 - 611 restrictions for doing so
 - 612 ○ No outside display/storage of inorganic product is permissible
 - 613 ○ Building Design Standards:
 - 614 ▪ Manufactured / Mobile units (trailers) not allowed except as temporary
 - 615 office space or storage during construction
 - 616 ▪ Front and Side facades of all metal buildings to be concealed so to not
 - 617 show any metal. Only permissible building materials to be used in
 - 618 construction of facades (masonry, wood, hardiboard, textured vinyl, or
 - 619 stucco).
 - 620 ▪ Facades of non-residential buildings facing public or private street
 - 621 rights of way to have minimum of 25% fenestration with architectural
 - 622 elements.
 - 623 ▪ Roof pitches less than 3/12 require a parapet wall
 - 624 ▪ Loading/Service areas to be out of view of public roads
 - 625 ○ Multifamily development to be allowed to the extent that it is a part of a
 - 626 mixed use development, to include townhomes, apartments, or duplexes.
 - 627 ▪ Open Space Requirements incorporated by reference to Article
 - 628 151.195
 - 629 ▪ Shall be connected by vehicular and pedestrian ways to
 - 630 commercial/office areas
 - 631 ▪ Sidewalks required on both sides of residential streets
 - 632 ▪ Decorative elements encouraged in pedestrian/open areas
 - 633 ▪ On street parking is allowed and encouraged to be located adjacent to
 - 634 open spaces and parks
 - 635 ▪ Landscaping for parking areas requires one shade tree per 10 parking
 - 636 spaces
 - 637 ▪ Stormwater runoff to be in compliance with all federal, state, and
 - 638 county laws and/or ordinances

- Changes to Neighborhood Commercial District (NCD) and Highway Commercial (HC) include:
 - Prohibition of manufactured / mobile units except as temporary office / storage during construction
 - Front and Side facades of all metal buildings to be concealed so to not show any metal. Only permissible building materials to be used in construction of facades (masonry, wood, hardiboard, textured vinyl, or stucco).
 - Facades of non-residential buildings facing public or private street rights of way to have minimum of 25% fenestration with architectural elements.
 - Roof pitches less than 3/12 and flat roofs require a parapet wall.

Dan Porter mentioned that these amendments do not address signage in these districts. Sign ordinances are complex and therefore not part of this ordinance. Michael Etheridge asked if signage can be handled on a case by case basis. Mr. Porter replied that it can so long as it is within the confines of the sign ordinance of Camden County.

Mr. Porter mentioned the presentation which Mr. Tommy Burk (not present at meeting) showed the board a few meetings ago that dealt with design standards and the possibilities for growth along the main corridors of Camden County. He continued saying that design standards has been the subject of several meetings.

At this time, Chairman Rodney Needham entertained a motion on this matter.

Motion made by: Michael Etheridge

Motion: *To send Item #3, Amendments to Camden County Code of Ordinances, Zoning Districts and Design Standards to the Board of Commissioners for their consideration.*

Seconded by: Calvin Leary

The motion was approved with Chairman Rodney Needham, Members Fletcher Harris, Ray Albertson, Calvin Leary, and Michael Etheridge voting aye; none voting no; 2 absent; none not voting.

Information from Board and Staff

None

Consider Date of Next Meeting – July 15, 2009

(As of time of preparation of June 17, 2009 meeting minutes, there were no matters to be brought before the Planning Board, therefore July 15, 2009 meeting was cancelled... Next meeting is scheduled for August 19, 2009.)

683 **Adjournment**

684
685 At 8:15 PM, Ray Albertson made a motion to adjourn the meeting. Michael Etheridge
686 seconded the motion. The motion was approved with Chairman Rodney Needham, Members
687 Fletcher Harris, Ray Albertson, Calvin Leary, and Michael Etheridge voting aye; none voting
688 no; 2 absent; none not voting.

689
690
691 Date: _____

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694 Approved: _____
695 Chairman Rodney Needham

696
697
698 Attested: _____
699 Amy Barnett, Planning Clerk